

Memo

To: Trustee Gohl
From: Robert Kosin, Director of Administration
CC: Board of Trustees, Village President
Date: May 23, 2014
Re: Public Assembly Regulations Report

The Village of Barrington Hills has by practice regulated through its authority in the Vehicle Code, (605 ILCS 5/4-408) public use of its roads, through a resolution, that requires a certificate of insurance and details of the roads use.

The Village issues itself a permit for its own event known as Torch Run and the components of that event have served as a template for other public uses of the roads.

In effort to maintain consistency between the evaluations of proposed events, the codification of standards would best serve the Village. The Village over time codified the requirements for outside burning (VBH 7-1-1), target shooting (VBH 8-2-5) and conducting a raffle (VBH 3-7-1). While the practice already exists and an example from another municipality is attached, certain threshold standards need to be established that is conducive to Barrington Hills; such as

- The size of the group invoking the permit
- The geographical area covered by the permit
- The duration of the permit
- The financial limits of the insurance coverage
- Fee recapture schedule
- Application fee
- Penalty provision for non-compliance

This is submitted to undertake the preparation of an ordinance that would be presented for consideration by the Board of Trustees.

Date(s) of Event: _____

Name of Event: _____



VILLAGE OF ALGONQUIN PUBLIC EVENT/ENTERTAINMENT LICENSE APPLICATION CHECKLIST

A license is required for all public events. This applies to both for profit and not-for-profit organizations, and includes but is not limited to outdoor exhibitions, shows, carnivals, circuses, concerts, and musical performances. The application packet must be completed in its entirety and submitted at least forty-five (45) calendar days before the Public Event to the Village of Algonquin, Community Development Department, 2200 Harnish Drive, Algonquin, IL 60102.

- All public event requests require a permit from the Village of Algonquin.
- The Village may place conditions on the public event as deemed appropriate to protect the health, safety, and welfare of the public.
- The Village Manager or his/her designee may revoke a public event/entertainment license or a carnival worker permit at any time and demand immediate cessation of the event based upon violations of this code, on-premise criminal acts by the event employees or when the event presents an endangerment to public safety.
- Police officers and all other Village officials shall have free access to the grounds and all booths, shows, and concessions on such grounds at all times to ensure that the event is in compliance with this code.

In addition to the above, carnivals and circuses are subject to the following requirements:

- They are limited in duration to 10 days.
- They must be operated or sponsored by a not-for-profit group based in Algonquin.
- The carnival/circus may not be located in or directly adjacent to any developed residential area, with the exception that it may be on church, school, or public park property which may be next to a residential area.
- A location may not host more than one carnival/circus per year.
- No employee, agent, or other representative of the carnival/circus may live, sleep, or otherwise remain overnight on the premises of the carnival without prior authorization from the Chief of Police.
- All carnival workers must keep government issued photo identification (such as a state issued id or drivers license) on their person at all times during the public event. The government issued identification must be presented at any time to an officer of the Village upon request.
- All carnival/circus employees must complete a background check with the Algonquin Police Department. The carnival operator must provide a list of employees to the Police Department upon application. Each employee must visit the Algonquin Police Department to undergo the background check at least two weeks prior to the event. Employees may stop by the Department, located at 2200 Harnish Drive, any time between 8:00 a.m. and 7:00 p.m., any day of the week.

No person will be allowed to work on the public event site if he/she:

- is a registered sex offender, as defined in the Sex Offender Registration Act (730 ILCS 150/1.1 et seq); or
- has been convicted of any offense set forth in Article 9 or 11 of the Criminal Code of 1961; or
- has been convicted of a felony in the past five years; or
- has been convicted of any other crime involving moral turpitude or violence; or
- is identified as a known gang member in the Illinois State Police LEADS system.

The Application Packet must include the following (check the box if the requirement has been met and/or the appropriate paperwork is attached.):

- Complete application form.
- Fee, in the amount of \$50 for each day the public event will run, either:
 1. Fee Amount: \$ _____ OR;
 2. Submitted proof of not-for-profit status.
- Site Approval, either:
 1. Letter of consent from the owner to use the private property OR;
 2. Letter to the Village Board requesting the use of public property.
- Site plan showing the layout of the event.
- Certificate of Insurance for a minimum \$2,000,000 general liability, including bodily injury, property damage, and motor vehicle liability, naming the Village of Algonquin as additional insured; and a letter from the insurer stating there are no outstanding claims against the policy.
- Temporary Sign Permit Application, issued by the Village of Algonquin's Community Development Department.
- Electrical Permit issued by the Community Development Department with a copy of the contractor's electrical license and a detailed drawing that includes the power source and circuitry.
- Copy of the County Temporary Food Service permit, if applicable.
- Receipt from Finance Department for connection to the Village's potable water system, if applicable.
- Will liquor be served at this event? Yes No
If yes, then the appropriate approval and permit from the Liquor Commissioner must be obtained prior to the start of the event.
- Will a raffle or auction be conducted as part of this event? Yes No
If yes, then the appropriate approval and permit from the Village Clerk must be obtained prior to the start of the event.

In addition to the above, carnivals and circuses are subject to the following requirements (check the box if the requirement has been met and/or the appropriate paperwork is attached.):

- The location of the event has been approved by the Village.
- The event shall not exceed 10 days.
- The event shall not be located in or directly adjacent to any developed residential area, with the exception that it may be on church, school, or public park property even if located next to residential property.
- The event must be operated or sponsored by a not-for-profit organization based in the Village.
- No location may host more than one carnival/circus per year.
- List of all employees who will work on the premises of the public event, including their legal name, date of birth, home address, and social security number.
- All registered employees shall submit their fingerprints along with a completed police background authorization form. All investigations by the Algonquin Police Department must be complete. Date(s) of check: _____
- Fee paid for background check. (\$500, plus \$50 per employee)
- Copy of Illinois Department of Labor amusement ride permit.
- Completed Village of Algonquin Carnival Operator Questionnaire (see attached).
- Approval received from Police Chief for employees to maintain on the premises overnight, if applicable.

Village of Algonquin
CARNIVAL OPERATOR QUESTIONNAIRE

Please complete all questions and describe or add additional information if appropriate.

1. Does the carnival operator conduct pre-employment or random drug screening of carnival employees?
yes no

2. Does the carnival operator check the US Department of Justice Sex Offender Registry website prior to hiring an employee?
yes no

3. Does the carnival operator maintain maintenance and repair records for the past eighteen (18) months?
yes no

May we inspect these records on site?
yes no

4. Does each ride have (at the ride location) the appropriate maintenance and operational manual and user's guides as specified by the manufacturer?
yes no

5. Will you have State inspector and/or third party inspector's reports and records on site and available for inspection?
yes no

6. Are your procedures in compliance with ASTM F-24 rules, regulations, and standards?
yes no

7. Are you in compliance with the Illinois Carnival and Amusement Rides Safety Act?
yes no

8. Are you requesting to have carnival/circus employees live, sleep, or otherwise remain on the event premises overnight?
yes no

The Village of Algonquin will evaluate the answers to the above questions to determine whether or not a public event license will be issued.

Village of Algonquin
PUBLIC EVENT/ENTERTAINMENT LICENSE APPLICATION



In order for the Village of Algonquin to assist you with your Public Event, please fill out the information below and return to Diane LaCalamita at the Village Hall (2200 Harnish Drive) at least 60 days prior to the event. We will share this information with all relevant Village departments to better support your efforts.

Please be sure to fill out this application in its entirety – photo copy as needed. Please type or print legibly.

Official Name of the Event: _____

Sponsoring Organization:

Name: _____ Contact Name: _____

Address: _____

City, State, ZIP: _____

Phone: _____ Email: _____

Event Coordinator:

Name: _____

Home Address: _____

City, State, ZIP: _____

Phone: _____ Email: _____

Event Information:

Describe the Nature of the Event: _____

New Event _____ Repeat Event _____ If repeat, what will be different this year? _____

Event Location (include street address): _____

Date(s) and Time(s) of the Event: _____

Rain Date(s): _____

Set-Up Date/Time: _____

Maximum Number of Attendees/Participants at a Given Time: _____

Admission Fee: yes _____ no _____ If yes, list fees to be charged: _____

How will the revenue be used (to include donations to non-profit or charitable organizations): _____

Event Website: _____

Event Details:

- Describe provided security, including who will be providing the security (name and contact information), hours, and a detailed security plan: _____

- Describe parking or traffic control, including the location of extra parking and the number of spaces allocated, and how overflow parking will be handled: _____

- Will there be a need for road closures? Yes _____ No _____ *If Yes, please explain:* _____

- Are you requesting Algonquin Police Officer(s) presence? Yes _____ No _____ *If Yes, to perform what function?* _____
- Do you want a fire truck or ambulance present? Yes _____ No _____ *If Yes, which one and for what hours?* _____
- Are you wishing to post temporary sign(s) announcing the event? Yes _____ No _____ *If Yes, please describe including desired size, location(s) and dates that the signage will be displayed:* _____

- Do you wish to serve alcoholic beverages? Yes _____ No _____ *If Yes, please elaborate:* _____

- Do you have DRAM Shop Insurances for the sale/consumption of alcohol? Yes _____ No _____ *If Yes, attach a copy of the policy.*
- Will you have live entertainment (e.g. bands, D.J., amplified sound, etc.) Yes _____ No _____ *If Yes, please describe type, band(s) name(s), hours of performance and if there will be a stage:* _____

- Do you have any other special needs or request for this event? (Physical set-up assistance, waste removal, portable toilets/hand washing stations, electricity, generator, running water, tent(s), McHenry or Kane County Health Department Permits, Village inspections, etc.): _____

- Do you plan on holding a raffle during this event? Yes _____ No _____

Name of on-site contact during the event (please print): _____
 On-site contact cell number: _____
 On-site contact work number: _____
 On-site contact home number: _____

Affidavit of Applicant:

I, the undersigned applicant, or authorized agent of the above noted organization, swear or affirm that the matters stated in the foregoing application are true and correct upon my personal knowledge and information for the purpose of requesting the Village of Algonquin to issue the permit herein applied for, that I am qualified and eligible to obtain the permit applied for and agree to pay all fees, to meet all requirements of the Algonquin Village Code, and any additional regulations, conditions, or restrictions set forth in the permit and to comply with the laws of the Village of Algonquin, the State of Illinois, and the United States of America in the conduct of the Public Event described herein. In addition, Applicant certifies, by signing the application, that, pursuant to 720ILCS 5/11-9.4(c), no sex offenders are employed by the carnival operator, and that no carnival employees are fugitives from Illinois or any other state's law enforcement agencies. I (or the above named organization) further agree(s) to hold harmless and indemnify the Village, its officials, employees and successors and assigns, for any and all liability, damages, suits, claims and demands for damages at law or in equity it incurs as a result and arising either directly or indirectly out of the public event noted above including but not limited to damages and attorney's fees.

 Signature of Applicant

 Date

Chapter 11.60 - PARADES

Sections:

- 11.60.010 - Short title.
- 11.60.020 - Definitions.
- 11.60.030 - Permit—Required—Exceptions.
- 11.60.040 - Permit—Application—Required.
- 11.60.050 - Permit—Application—Filing period.
- 11.60.060 - Permit—Application—Contents.
- 11.60.070 - Permit—Application—Late filing.
- 11.60.080 - Permit—Application—Fee.
- 11.60.090 - Permit—Standards for issuance.
- 11.60.100 - Permit—Notice of rejection.
- 11.60.110 - Permit—Appeal procedure upon denial.
- 11.60.120 - Permit—Contents.
- 11.60.130 - Alternative permit.
- 11.60.140 - Notice of village and other officials.
- 11.60.150 - Duties of permittee.
- 11.60.160 - Public conduct during parades.
- 11.60.170 - Revocation of permit.
- 11.60.180 - Violation—Penalty.

11.60.010 - Short title.

The ordinance codified in this chapter shall be known and may be cited as the "parade ordinance of the village."

(Ord. 79-950 § 1, 1979)

11.60.020 - Definitions.

For the purposes of this chapter the following words shall have the meanings ascribed to them as follows:

"Chief of police" is the chief of police of the village.

"Parade" means any parade, march, ceremony, show, exhibition, pageant, or procession of any kind, or any similar display, in or upon any street, park or other place in the village.

"Parade permit" is a permit as required by this chapter.

"Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

(Ord. 79-950 § 2, 1979)

11.60.030 - Permit—Required—Exceptions.

- (a) No person shall engage in, participate in, aid, form or start any parade unless a parade permit has been obtained from the chief of police.
- (b) Exceptions. This chapter shall not apply to:
- (1) Funeral processions;
 - (2) Students going to and from school classes or participating in educational activities, providing such conduct is under the immediate direction and supervision of the proper school authorities;
 - (3) A governmental agency acting within the scope of its functions.
 - (4) Westchester oriented service organizations comprised primarily of Westchester residents and members.

(Ord. 80-963 § 1, 1980; Ord. 79-950 § 3, 1979)

11.60.040 - Permit—Application—Required.

A person seeking issuance of a parade permit shall file an application with the chief of police on forms provided by such officer.

(Ord. 79-950 § 4 (part), 1979)

11.60.050 - Permit—Application—Filing period.

An application for a parade permit shall be filed with the chief of police not more than sixty days nor less than fifteen days before the date on which it is proposed to conduct the parade.

(Ord. 79-950 § 4(1), 1979)

11.60.060 - Permit—Application—Contents.

The application for a parade permit shall set forth the following information.

- (1) The name, address and telephone number of the person seeking to conduct such parade;
- (2) If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization;
- (3) The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct;
- (4) The date when the parade is to be conducted;
- (5) The route to be traveled, the starting point and the termination point;
- (6) The approximate number of persons who, and animals and vehicles which, will constitute such parade; the type of animals, and description of the vehicles;
- (7) The hours when such parade will start and terminate;

- (8) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;
- (9) The location by streets of any assembly areas for such parade;
- (10) The time at which units of the parade will begin to assemble at any such assembly area or areas;
- (11) The interval of space to be maintained between units of such parade;
- (12) If the parade is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for such permit shall file with the chief of police a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf;
- (13) Any additional information which the chief of police shall find reasonably necessary to a fair determination as to whether a permit should issue.

(Ord. 79-950 § 4(2), 1979)

11.60.070 - Permit—Application—Late filing.

The chief of police, where good cause is shown therefor, shall have the authority to consider any application under this chapter which is filed less than fifteen days before the date such parade is proposed to be conducted.

(Ord. 79-950 § 4(3), 1979)

11.60.080 - Permit—Application—Fee.

There shall be paid at the time of filing the application for a parade permit fee of two hundred and fifty dollars.

(Ord. 79-950 § 4(4), 1979)

11.60.090 - Permit—Standards for issuance.

The chief of police shall issue a permit as provided for under this chapter when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:

- (1) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
- (2) The conduct of the parade will not require the diversion of so great a number of police officers of the village to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the village;
- (3) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;
- (4) The conduct of such parade will not interfere with the movement of firefighting equipment en route to a fire;

(5) The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance;

(6) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;

(7) The parade is not to be held for the sole purpose of advertising any product, goods or event, and is not designed to be held purely for private profit.

(Ord. 79-950 § 5, 1979)

11.60.100 - Permit—Notice of rejection.

The chief of police shall act upon the application for a parade permit within ten days after the filing thereof. If the chief of police disapproves the application, he shall mail to the applicant, within fifteen days after the date upon which the application was filed, a notice of his action, stating the reasons for his denial of the permit.

(Ord. 79-950 § 6, 1979)

11.60.110 - Permit—Appeal procedure upon denial.

Any person aggrieved shall have the right to appeal the denial of a parade permit to the president and board of trustees of the village. The appeal shall be taken within thirty days after notice. The president and board of trustees shall act upon the appeal within thirty days after its receipt.

(Ord. 79-950 § 7, 1979)

11.60.120 - Permit—Contents.

Each parade permit shall state the following information:

- (1) Starting time;
- (2) Minimum speed;
- (3) Maximum speed;
- (4) Maximum interval of space to be maintained between the units of the parade;
- (5) The portions of the streets to be traversed that may be occupied by the parade;
- (6) The maximum length of the parade in miles or fractions thereof;
- (7) Such other information as the chief of police shall find necessary to the enforcement of this chapter.

(Ord. 79-950 § 10, 1979)

11.60.130 - Alternative permit.

The chief of police, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time, or over a route different from that named by the applicant.

An applicant desiring to accept an alternate permit shall, within ten days after notice of the action of the chief of police, file a written notice of acceptance with the chief of police. An alternate parade permit shall conform to the requirements of, and shall have the effect of a parade permit under, this chapter.

(Ord. 79-950 § 8, 1979)

11.60.140 - Notice of village and other officials.

Immediately upon the issuance of a parade permit, the chief of police shall send a copy thereof to the following:

- (1) The president and board of trustees;
- (2) The village manager;
- (3) The fire chief; and
- (4) The village attorney.

(Ord. No. 2010-1842, § 8, 2-9-2010; Ord. 79-950 § 9, 1979)

11.60.150 - Duties of permittee.

A permittee under this chapter shall comply with all permit directions and conditions and with all applicable laws and ordinances.

- (1) Possession of Permit. The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade.
- (2) Insurance. The permittee under this chapter shall provide a public liability and property damage insurance policy protecting the village from any and all claims which may arise as a result of granting the permit. The limits of the insurance policy shall be set by the village manager and the permittee shall supply the village manager and certificate of insurance upon which the village is named as an insured.

(Ord. 79-950 § 11, 1979)

11.60.160 - Public conduct during parades.

- (a) Interference. No person shall unreasonably hamper, obstruct or impede, or interfere with, any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.
- (b) Driving through Parades. No driver of a vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.
- (c) Parking on Parade Route. The chief of police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway of part thereof constituting a part of the route of a parade. The chief of police shall post signs to such effect, and it is unlawful for any person to park or leave unattended any vehicle in violation thereof.

(Ord. 79-950 § 12, 1979)

Title 11 - VEHICLES AND TRAFFIC
Chapter 11.60 - PARADES

11.60.170 - Revocation of permit.

The chief of police shall have the authority to revoke a parade permit issued under this chapter upon application of the standards for issuance as set forth in this chapter.

(Ord. 79-950 § 13, 1979)

11.60.180 - Violation—Penalty.

Any violation of this chapter shall be punished by a fine not less than ten dollars nor more than five hundred dollars for each offense.

(Ord. 70-950 § 14, 1979)

Illinois Public Demonstrations Law. 430 ILCS 70/1 (from Ch. 38, par. 85-1)

Sec. 1. Short title.

This Act shall be known as the "Illinois Public Demonstrations Law".

(430 ILCS 70/2) (from Ch. 38, par. 85-2)

Sec. 2. Declaration of purpose. It is declared to be the public policy of this State: That the maintenance of good order on highways, as defined in Section 2-202 of the "Illinois Highway Code", is a paramount responsibility of democratic government;

That the public health, welfare and safety of the community require that the movement of vehicular traffic on such roadways be lawfully conducted with a minimum of disruption;

That the practice of unhindered or unrestrained picketing or demonstrating on such roadways has caused disruption of police, fire and emergency services, and injury to persons regardless of participation in the march, assembly or demonstration;

That the practice of multiple demonstrations on the same day in different locations in municipalities and unincorporated areas of counties has unreasonably deprived the citizens of the police, fire and emergency services; and

That the provisions herein enacted are necessary for the protection of the health, welfare and safety of the public.

(Source: P.A. 81-840.)

(430 ILCS 70/3) (from Ch. 38, par. 85-3)

Sec. 3. Unlawful action-Parade permit. It is unlawful for any person, group or organization to conduct or participate in any march, assembly, meeting, parade, or gathering on roadways in more than one specific area of or location in, any municipality or the unincorporated area of a county, on any given day, unless it is acting under authority of a duly issued municipal or county parade or demonstration permit if local ordinance or regulation requires a permit, or, if not, with permission of the principal law enforcement officer for the area. Only the person, group, or organization responsible for organizing the march, assembly, meeting, parade, or gathering is required to obtain a permit or the permission of the principal law enforcement officer, which shall be sufficient to encompass all participants. If a march, assembly, meeting, parade, or gathering on roadways involves the act of crossing or traversing over or upon active railroad tracks, the municipal or county authority or principal law enforcement officer, as part of its permit or permission process, may prohibit any portion of the route that involves the act of crossing or traversing over or upon active railroad tracks.

(Source: P.A. 98-320, eff. 8-12-13.)

(430 ILCS 70/4) (from Ch. 38, par. 85-4)

Sec. 4. Acting with other groups - Size of assemblage. It is unlawful for any group or organization or any individual acting with the group or organization, to conduct or participate in any march, assembly, meeting, parade, or gathering on roadways unless the march, assembly, meeting, parade, or gathering is limited to numbers that, in the opinion of the principal law enforcement officer, will not obstruct pedestrian or vehicular traffic in an unreasonable manner. The principal law enforcement officer shall, within 12 hours of receiving the notice required by Section 5, inform the group or organization as to the limitation on number of persons allowed to participate.

(Source: P.A. 98-320, eff. 8-12-13.)

(430 ILCS 70/5) (from Ch. 38, par. 85-5)

Sec. 5. Notice of assemblage in writing-Contents. It is unlawful for any group or organization to conduct or participate in any march, assembly, meeting, parade, or gathering on roadways unless the principal law enforcement officer has been given notice in writing of the location, the maximum number of persons participating, and the names and addresses of the organizers of the march, assembly, meeting, parade, or gathering, its route, and its time of inception and duration at least 24 hours before inception.

(Source: P.A. 98-320, eff. 8-12-13.)

(430 ILCS 70/6) (from Ch. 38, par. 85-6)

Sec. 6. Time of holding. It is unlawful for any group, organization, or any individual to conduct or participate in any march, assembly, meeting, parade, or gathering on roadways during peak traffic periods unless authorized by the principal law enforcement officer for the area in which the march, assembly, meeting, parade, or gathering is to be held. Peak traffic periods, unless otherwise set by municipal or county authority, are for the purposes of this Act declared to be 7:30 a.m. o'clock to 9:00 a.m. o'clock in the forenoon, and from 4:30 p.m. o'clock to 6:00 p.m. o'clock in the afternoon, Monday through Friday except for State and National holidays.

(Source: P.A. 98-320, eff. 8-12-13.)

(430 ILCS 70/7) (from Ch. 38, par. 85-7)

Sec. 7. Conflict with municipal ordinance. Nothing in this Act shall be construed to invalidate or repeal by inference any local or municipal enactment in regard to parades or demonstrations, but if there is an unreconcilable conflict this Act shall prevail as to such portion or portions that are in direct conflict, except as to duly designated peak hours of traffic within its boundaries.

(Source: Laws 1967, p. 3613.)

(430 ILCS 70/8) (from Ch. 38, par. 85-8)

Sec. 8. Sentence.

Violation of this Act is a Class A misdemeanor.

(Source: P.A. 77-2646.)

(430 ILCS 70/9) (from Ch. 38, par. 85-9)

Sec. 9. Severability.

If any provision or term of this Act, or any application thereof, is held invalid, the invalidity shall not affect other applications of the provisions or terms, or other provisions or terms of this Act, which reasonably can be given effect without the invalid provision or term, or the application thereof.

(Source: Laws 1967, p. 3613.)